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April 27, 2005

**Via Certified Mail, Return Receipt Requested
and Via Facsimile (214) 665-7330**Mr. Samuel J. Coleman
Director, Superfund Division
6SF
U.S. EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: Gulfco Marine Maintenance Site--Response your letter of April 22, 2005

Dear Mr. Coleman:

We received your letter of April 22, 2005. Thank you for sharing your concerns regarding our progress since the April 1 meeting. As we agreed in the meeting, open, timely, and substantive communication is the key to success. Given the tone of your letter and the apparent misunderstanding regarding the pace of our ongoing efforts, we felt a response was appropriate.

We were also encouraged by the progress during our meeting of April 1. We were very encouraged by the agency's willingness to support the goal of redevelopment of the former Gulfco Site. We began substantive work during the meeting and one track of the discussions, technical discussions between Mr. Pastor of Pastor Behling & Wheeler, LLC (PB&W) and Gary Miller of your staff, continued that afternoon following the meeting. These discussions have been ongoing since that time. While waiting on Mr. Miller's further comments on the Conceptual Site Model (CSM) and the Site Investigation (SI) scope of work outline presented at the meeting, PB&W proceeded with work on the scope of work for the Interim Removal Action (IRA). When PB&W received Mr. Miller's comments on the CSM and SI outline on April 13th, PB&W turned again to the Scope of Work for the investigation. We are currently reviewing a draft of the document and it will be submitted to you next week, as Mr. Pastor indicated to Mr. Miller in their April 13th telephone conversation. Meanwhile, as you know, we submitted the Scope of Work for the IRA for EPA's review and received comments from Mr. Miller on April 19th. We will be submitting a revised IRA Scope of Work addressing Mr. Miller's comments next week as well. We cannot fault either Mr. Miller or PB&W, as

Samuel J. Coleman
April 27, 2005
Page 2

they have been working diligently to accomplish the goals we outlined during our meeting.

We hope this report will resolve any concerns you might have about the progress on the technical track. If you wish, we can copy you on communications with your staff that relate to progress.

Unfortunately, we too are disappointed in the progress regarding the second track. There has been no communication regarding a draft Agreed Order on Consent ("AOC"). We have yet to receive a draft for review. In our meeting we discussed proceeding on parallel tracks to finalize the legal and technical components. We provided an outline of terms for an AOC in advance of the meeting and offered to prepare a draft. This task was assigned to EPA. We remain available to meet on this task or assume the task of preparing a draft for your review. We share your goal of bringing the two tracks together in May. However, at present the technical track appears to be well ahead of the legal track.

Please contact me if you have any questions regarding this report. We will, of course, copy you on the Scope of Work for the investigation when it is submitted to Mr. Miller.

Very truly yours,



James C. Morriss III

JCM/sag

cc: *Via Facsimile*
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